

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BELINDA DE GAUDEMAR, ANTHONY
HOFFMANN, SUSAN SCHOENFELD, NANCY
PASCAL, and MICHAEL CORBETT

Plaintiffs,

v.

PETER S. KOSINSKI, in his official capacity as
Co-Chair of the State Board of Elections;
DOUGLAS A. KELLNER, in his official capacity
as Co-Chair of the State Board of Elections;
ANDREW J. SPANO, in his official capacity as
Commissioner of the State Board of Elections;
ANTHONY J. CASALE, in his official capacity as
Commissioner of the State Board of Elections;
TODD D. VALENTINE, in his official capacity as
Co-Executive Director of the State Board of
Elections; and KRISTEN ZEBROWSKI-
STAVISKY, in her official capacity as Co-
Executive Director of the State Board of Elections,

Defendants.

Case No. 22 Civ. 3534

**NOTICE OF MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65(a) and (b), Plaintiffs Belinda de Gaudemar, Anthony Hoffmann, Susan Schoenfeld, Nancy Pascal, and Michael Corbett are New York voters who respectfully move this Court for a temporary restraining order and, subsequently, preliminary injunction (1) enjoining Defendant members of the New York State Board of Elections from implementing, enforcing, or giving any effect to New York's congressional districting plans as adopted by the court in *Favors v. Cuomo*, No. 1:11-cv-05632, 881 F. Supp. 2d 356 (E.D.N.Y. 2012), and (2) ordering such Defendants to proceed with certifying the primary ballot by Wednesday, May 4, under a congressional plan as adopted by

this court, that complies with Article I, Section 2 of the U.S. Constitution and 2 U.S.C. § 2c, in time for New York to conduct its primary on June 28, 2022, as required by federal court order. The reasons for this application and motion are offered a memorandum of law filed concurrently with this motion.

In order to ensure that certification of the primary ballots occurs on time and without delay, it is imperative that the requested temporary restraining order be issued as soon as possible to ensure intervening deadlines are met until such time as this Court can convene an expedited hearing on Plaintiffs' motion for preliminary injunction. Undersigned counsel hereby certifies they have provided notice to Defendants' counsel at the New York Office of the Attorney General.

Dated: May 2, 2022

Respectfully submitted,

**EMERY CELLI BRINCKERHOFF
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**Pro hac vice applications to be submitted.*